

Appl. No. : 09/585,129  
Filed : May 31, 2000

### REMARKS

#### **Response to Rejection of Claims 1-10 Under 35 U.S.C. § 103(a)**

In the March 28, 2003 Office Action, the Examiner rejects Claims 1-10 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0072965 A1 of Merriman et al. ("Merriman") in view of U.S. Patent No. 6,339,761 issued to Cottingham ("Cottingham"). The Examiner states that Merriman teaches all the limitations of Claims 1-5 except for "wherein the personal computers are configured to periodically receive and store advertising content and display the advertising content while or before bootloading a user selected application environment." The Examiner also states that Merriman teaches all the limitations of Claims 6-10 except for "wherein the advertising data is formatted for storage and display in the network of personal computers while or before the network of personal computers bootload a selected application environment." The Examiner further states that the limitations not found in Merriman are taught by Cottingham and that it would have been obvious to one of ordinary skill in the art to modify Merriman by including the limitations from Cottingham. As discussed in detail below, Applicant respectfully submits that Claims 1-10 include limitations that are not taught, disclosed, or suggested by either Merriman or Cottingham. Applicant further submits that Claims 1-10 are patentably distinguished over Merriman in view of Cottingham.

Applicant respectfully submits that Cottingham does not teach, disclose, or suggest the limitations of Claims 1-5 that are missing in Merriman. In particular, Cottingham does not teach, disclose, or suggest a method of operating a content delivery system by "collecting identification data from a network of personal computers, wherein the personal computers are configured to periodically receive and store advertising content and display the advertising content while or before bootloading a user selected application environment," as defined by Claim 1 (emphasis added). Similarly, Applicant respectfully submits that Cottingham does not teach, disclose, or suggest the limitations of Claims 6-10 that are missing in Merriman. In particular, Cottingham does not teach, disclose, or suggest a content delivery system that comprises "an advertisement database comprising advertising data, wherein the advertising data is formatted for storage and

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display in the network of personal computers while or before the network of personal computers bootload a selected application environment," as defined by Claim 6 (emphasis added).

Cottingham discloses a method and system for providing Internet Service Providers ("ISPs") with control over the advertising received by each of its customers based on demographic data of the customers. As disclosed by Cottingham at column 5, lines 38-43 (emphasis added):

the ISP 10, in response to a request for information from an ISP customer 20 to a content provider 30, receives a web-page 32 from the content provider 30 that may or may not include an advertisement 34. The ISP 10 may insert a desired advertisement 40 in the web-page 32 and communicate the modified web-page 32 to the ISP customer 20.

As further disclosed by Cottingham at column 7, lines 50-58 (a passage cited by the Examiner):

an advertisement (or advertising) may be communicated to the ISP 10 to the ISP customer 20 before the ISP 10 communicates a web-page 32 or other information requested by the ISP customer 20 from a content provider 30. The first-communicated advertisement may be displayed on the computer 50 of the ISP customer 20 for a predetermined period of time before communication of the web-page 32 from the ISP 10 to the ISP customer 20.

In accordance with the foregoing description, Cottingham discloses a system and method in which an ISP customer requests information from a content provider (e.g., a web-page requested using a browser), but the ISP communicates an advertisement to the ISP customer before communicating the requested information. The method and system described by Cottingham does not teach receiving and storing advertising content and displaying the advertising content while or before bootloading a user selected application environment.

Merriman and Cottingham each requires an active browser in the user workstation, which is only possible after bootloading the application environment. Conversely, in the present application, the method of Claim 1 and the system of Claim 6 each requires that the advertising be displayed while or before the bootloading takes place. Thus, the method of Claim 1 and the system of Claim 6 each beneficially engages the user during an otherwise unproductive period and eliminates the requirement for an active browser.

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In view of the foregoing remarks, Applicant respectfully submits that Cottingham does not teach, disclose, or suggest the limitations of either Claim 1 or Claim 6 that are missing in Merriman. Therefore, independent Claims 1 and 6 are non-obvious over Merriman in view of Cottingham.

Claims 2-5 depend from Claim 1, and include the limitations of Claim 1 that are not taught, disclosed, or suggested by Merriman in view of Cottingham. Furthermore, each of Claims 2-5 further recites limitations of particular utility in addition to the limitations of Claim 1. Claims 7-10 depend from Claim 6, and include the limitations of Claim 6 that are not taught, disclosed, or suggested by Merriman in view of Cottingham. In view of the arguments presented above with respect to Claim 1 and Claim 6, Applicant respectfully submits that Claims 2-5 and 7-10 are patentably distinguished over Merriman in view of Cottingham.

For the foregoing reasons, Applicant respectfully requests the Examiner to withdraw the rejection of Claims 1-10 under 35 U.S.C. § 103(a). Applicant respectfully requests the Examiner to allow Claims 1-10 and to pass this application to the issue process.

#### Summary

In view of the foregoing amendments and remarks, Applicant respectfully submits that Claims 1-10 are in condition for allowance, and Applicant respectfully requests allowance of Claims 1-10.

Respectfully submitted,

Dated: \_\_\_\_\_

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